

1642



PATENT

Customer No. 22,852

Attorney Docket No. 03715-0069-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

TRIEBEL and GAUDIN

Serial No.: 09/673,795

Filed: October 20, 2000

For: MUTATED PEPTIDE  
COMPOUNDS, DERIVED FROM  
hsp70, USEFUL IN CANCER  
IMMUNOTHERAPY

)  
)  
) Group Art Unit: 1642

)  
) Examiner: Yaen, C.

JAN 16 2002  
TECH CENTER 1600/2900

Commissioner for Patents and Trademarks  
Washington, DC 20231

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

In a restriction requirement dated December 14, 2001, the Examiner required restriction under 35 U.S.C. § 121 between Group I (claims 1-4); Group II (claims 5-6); Group III (claims 7-11, 13-15, 19-21, 32-36, and 39-40); Group IV (claims 12 and 22); Group V (claims 16-18, 23, and 29-31); Group VI (claims 24-28); Group VII (claims 37-38, 39-40; and Group VIII (claims 41-46).

Applicants provisionally elect to prosecute Group III, claims 7-11, 13-15, 19-21, 29-31, 32-36, and 39-40, drawn to a peptide compound that comprises a sequence of at least 8 conserved amino acids of hsp70 having at least one mutation; an expression vector used for the expression of a sequence of at least 8 amino acids of hsp70 with at least one mutation; a pharmaceutical composition comprising an expression vector and a carrier; a pharmaceutical composition comprising a peptide compound or a mixture of

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peptide compounds; pharmaceutical compositions containing adjuvants, vehicles that are compatible with IV subcutaneous, oral, or nasal administration; a pharmaceutical vehicle with different charge characters; and a method of using a peptide with a sequence of at least 8 conserved amino acids of hsp70 having at least one mutation for the manufacture of medicinal products, in combination with radiotherapy and repeated immunization.

Applicants reserve the right to file a Divisional Application from the non-elected subject matter.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: January 14, 2002

By: 

Kenneth J. Meyers  
Reg. No. 25,146

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